

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R079-25

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 385.080 and 388C.060; §§ 2-5, 9, 13, 15 and 21-28, NRS 385.080; § 6, NRS 385.080, 387.123 and 388.874; § 7, NRS 385.080, 387.123 and 389.155; §§ 8 and 10, NRS 385.080, 387.123 and 388.570; §§ 11, 12 and 14, NRS 385.080 and 387.123; § 16, NRS 385.080 and 388.090; §§ 17 and 18, NRS 385.080 and 388.537; §§ 19 and 20, NRS 388.874.

A REGULATION relating to education; making certain provisions applicable to each university school for profoundly gifted pupils; requiring each school district, charter school and university school for profoundly gifted pupils to use the uniform system of budgeting and accounting developed by the Department of Education; revising provisions governing the counting of enrollment and attendance for pupils enrolled in certain programs or who receive instruction at home or in certain facilities; revising provisions governing an application to offer an adult high school program; revising the length of time that approval to provide certain programs remains effective; requiring the biennial rather than annual submission of information concerning the physical condition of each school; applying requirements a pupil enrolled in grade 9 must satisfy to obtain promotion to higher grade levels to all pupils; authorizing an innovation school or a school providing a program of competency-based education which uses fractional time units to grant credit to pupils proportionately; revising provisions concerning indicators signaled after completing certain standards for college readiness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the formation and operation of charter schools and defines charter schools to be public schools. (NRS 385.007, chapter 388A of NRS) Existing law also provides for the establishment of a university school for profoundly gifted pupils, which, in general, is a school that is located on the campus of a university within the Nevada System of Higher Education, is operated through a written agreement with the university and provides an alternative program of education for profoundly gifted pupils. (Chapter 388C of NRS) Under existing law, a university school for profoundly gifted pupils is deemed to be a public school except that the provisions of existing law governing public schools do not apply to a university

school for profoundly gifted pupils unless a provision of existing law is made applicable by a specific statute or a regulation adopted by the State Board of Education. (NRS 385.007, 388C.050, 388C.060) **Section 1** of this regulation requires a university school for profoundly gifted pupils to comply with any applicable regulation governing the enrollment and counting of pupils and the budgeting and finances of a university school for profoundly gifted pupils. **Section 4** of this regulation: (1) changes the uniform system of accounting required to be used by each school district from the Nevada Financial Accounting Handbook for Local Education Agencies to a uniform system of budgeting and accounting developed by the Department of Education pursuant to existing law; and (2) requires each charter school and university school for profoundly gifted pupils to use that uniform system of budgeting and accounting and submit certain financial reports to the Department in the same manner as school districts. (NRS 387.3035; NAC 387.119)

Under existing law, the yearly apportionment of money from the State Education Fund to each school district is determined by: (1) multiplying the adjusted base per pupil funding established by the Legislature for the school district by the sum of the count of pupils based on the average daily enrollment of pupils enrolled in public schools or certain programs of the school district; and (2) adding to that amount certain additional funding prescribed by existing law. (NRS 387.1223) Existing regulations establish requirements for certain pupils to be included in the count of pupils enrolled in a school district, or receiving instruction from a school district, including, without limitation, pupils recorded as withdrawn from school, pupils enrolled in kindergarten, pupils enrolled in a program of distance education, pupils placed for independent study, pupils receiving instruction in a juvenile detention facility or alternative to detention in a juvenile detention facility or pupils receiving instruction in a medical facility. (NAC 387.115, 387.193, 387.195, 387.197, 387.220, 387.283, 387.286, 387.291, 387.345) **Section 2** of this regulation revises the definition of “instructional program” for the purpose of determining whether a pupil must be recorded as withdrawn for the purposes of the count of pupils because the pupil was enrolled in the school district at the end of the previous school year but did not complete an instructional program, transfer, withdraw or reenroll and did not return to school by December 1 of the current school year. (NAC 387.058, 387.220) **Section 3** of this regulation removes a requirement that pupils in kindergarten who are enrolled for less than 240 minutes of instruction in each school day be included in the count of pupils with a weight of six-tenths because existing law requires all pupils in kindergarten to be counted without such a weight. (NRS 387.1223, 387.123; NAC 387.115) **Section 6** of this regulation revises the provisions governing the circumstances under which a pupil enrolled in a program of distance education is deemed to be enrolled as a full-time pupil. (NAC 387.193) **Section 9** of this regulation makes a conforming change to update a reference to a subsection renumbered by **section 6**. **Section 7** of this regulation requires pupils placed for independent study who satisfy certain requirements to be reported as enrolled in quarterly reports, rather than monthly reports, of the average daily enrollment submitted to the Department because existing law provides for quarterly reports of average daily enrollment. (NRS 387.1223) **Section 11** of this regulation provides that a pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by individual instruction at home or in a medical facility under the supervision of a licensed teacher may be reported as enrolled and in attendance at the

school the pupil would normally attend pursuant to guidelines issued by the Department rather than in a monthly report or a specific separate monthly report. (NAC 387.286) **Section 12** of this regulation makes the same change with respect to a pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher. (NAC 387.291) **Section 14** of this regulation revises provisions governing the circumstances under which a pupil enrolled in grade 9, 10, 11 or 12 is counted as enrolled full-time by requiring the minimum number of courses to constitute the minimum daily period of attendance or, in the case of a pupil enrolled in grade 12 and on track to graduate from high school, 50 percent of the minimum daily period of attendance. (NAC 387.345) **Section 28** of this regulation: (1) repeals the definition of “average daily attendance” because the term is defined in statute and is no longer used in the applicable chapter of the Nevada Administrative Code; and (2) repeals requirements for a pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher and who does not attend classes on a regular basis because of extreme distance from the school to be deemed enrolled in a school district and in full attendance. (NAC 387.015, 387.293)

Existing regulations: (1) prescribe the required number of school days and the number of minutes that constitute the minimum daily period of school for each grade level; and (2) establish the circumstances under which a pupil is required to be recorded as in school for a full day of attendance. (NAC 387.120, 387.131, 387.185) Existing regulations further establish requirements for the enrollment and attendance of pupils enrolled in certain educational programs, including, without limitation, independent study, adult high school, distance education, instruction in a detention facility or alternative to such detention, or an alternative program for the education of pupils at risk of dropping out of school. (NAC 387.190, 387.193, 387.195, 387.197, 387.283, 387.330, 388.510) **Section 5** of this regulation: (1) requires an application by a school district to the Department for permission to conduct an adult high school program to include procedures to be used to report enrollment and attendance of pupils enrolled in the program; and (2) provides that the approval of the program expires when the school district revises the procedures or the program such that the school district must obtain the approval of the Superintendent of Public Instruction when such revisions are made. **Section 13** of this regulation requires a school district that offers an adult high school program to ensure the pupils enrolled in the program are included in the master register of enrollment and attendance required by existing regulations. **Section 8** of this regulation: (1) updates references to juvenile detention facilities in existing regulations governing the instruction of pupils detained in detention facilities or alternatives to such detention; (2) requires a school district providing such instruction to ensure that children receiving instruction in a detention facility or alternative to such detention are included in the master register of enrollment and attendance required by existing regulations; and (3) requires the reporting of such children in the quarterly report of average daily enrollment submitted by the school district to the Department. **Section 10** of this regulation: (1) updates references to juvenile detention facilities; and (2) revises the period for the effectiveness of the approval of the Superintendent of Public Instruction of the procedures of a school district for reporting the enrollment and attendance by pupils detained in a detention facility or alternative program. **Section 16** of this regulation clarifies that an exception to the

requirement for the period that constitutes a school day in session applies to pupils who have an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher. (NAC 388.180) **Section 17** of this regulation provides that the approval of the Superintendent of Public Instruction of a plan for an alternative program for the education of pupils at risk of dropping out of school expires when the school district providing the program revises the plan such that the school district must obtain the approval of the Superintendent of Public Instruction when it revises the plan. **Section 18** of this regulation incorporates references to applicable regulations governing independent study in existing regulations governing a plan to provide independent study as part of an alternative program for the education of pupils at risk of dropping out of school. (NAC 388.520)

Existing regulations require each school district, on or before August 1 of each year, to review the physical condition of each school within the school district and submit information relating to the physical condition of each school to the State Board of Education. (NAC 387.501) **Section 15** of this regulation requires this review to be performed in odd-numbered years rather than every year.

Sections 19 and 20 of this regulation remove references to repealed statutes in existing regulations governing the approval of programs of distance education. (NAC 388.825, 388.830) **Section 20** additionally removes the requirement that the approval of the Department for a program of distance education is effective for 3 years after the date of approval and, instead, provides that such an approval is effective for the earlier of 5 years after the date of approval or until the school district revises the program or its procedures. (NAC 388.830)

Existing regulations define the terms “semester” and “trimester” for the purposes of establishing the instructional periods that make up a school year. (NAC 389.034, 389.036, 390.051) **Sections 21 and 27** of this regulation revise the definition of “semester,” and **section 22** of this regulation revises the definition of “trimester,” to clarify that those periods are based on the school calendar of the school that is submitted to the Department under existing regulations. (NAC 387.120)

Existing regulations define the term “unit of credit” for the purpose of determining the amount of credit that a pupil in junior high or high school is required to earn to be promoted to the next grade and to graduate from high school. (NAC 389.040, 389.445, 389.659, 389.666) **Section 23** of this regulation revises this definition by clarifying the programs in which a pupil may participate to earn the equivalent of the specified amount of credit. **Section 24** of this regulation clarifies that the requirement to earn a certain amount of units of credit to be promoted to the next grade of high school applies to all pupils, including, without limitation, pupils enrolled in an approved program of competency-based education, in an approved program of distance education or in an innovation school. **Section 25** of this regulation authorizes an innovation school or a school providing a program of competency-based education to use fractional time units, in measures of not less than one-fourth of a unit, to grant credit to a pupil based on the demonstrated proficiency of the pupil in a course of study.

Existing regulations provide that the successful completion by a pupil of the standards for college and career readiness set forth in existing regulations is a strong indication that the pupil has attained certain achievements and skills. (NAC 389.840) **Section 26** of this regulation

additionally provides that such a pupil has demonstrated competencies which align with the Nevada Portrait of a Learner developed by the Department.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

A university school for profoundly gifted pupils shall comply with the applicable provisions of this chapter.

Sec. 2. NAC 387.058 is hereby amended to read as follows:

387.058 “Instructional program” means a program designed to enable a pupil to earn ~~a standard high school diploma, an adult standard diploma, an adjusted diploma or an alternative~~ *any type of diploma evidencing graduation from high school in accordance with criteria prescribed by the State Board of Education.*

Sec. 3. NAC 387.115 is hereby amended to read as follows:

387.115 “Weighted count of enrollment” means the unweighted count of enrollment except that ~~the number of pupils in kindergarten who are enrolled in a program of instruction that provides less than 240 minutes of instruction in each school day and~~ pupils who are 3, 4 and 5 years of age who are not enrolled in kindergarten but are receiving special educational services pursuant to NRS 388.435 must be stated as six-tenths of the unweighted count of enrollment.

Sec. 4. NAC 387.119 is hereby amended to read as follows:

387.119 1. To ensure a uniform system of accounting, each school district, *charter school and university school for profoundly gifted pupils* shall use the ~~Nevada Financial Accounting Handbook for Local Education Agencies.~~ *uniform system of budgeting and accounting developed by the Department pursuant to NRS 387.3035.*

2. Each school district, *charter school and university school for profoundly gifted pupils* shall provide to the Department financial reports that attribute expenditures to each school or cost center within the school district, *charter school or university school for profoundly gifted pupils, as applicable*, in a format prescribed by the Department.

3. As used in this section, “cost center” means an account to which costs are recorded for services that benefit the school district as a whole and are not directly attributable to a particular school.

Sec. 5. NAC 387.190 is hereby amended to read as follows:

387.190 1. A person who meets the requirements prescribed by NRS 392.0175 may be enrolled as a pupil in an adult high school program designed to enable him or her to obtain a diploma.

2. A person who is at least 16 years of age but less than 18 years of age and who participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537 may enroll in an adult high school program with the approval of the board of trustees of the school district in which the pupil is enrolled only for the purpose of preparing to take a high school equivalency assessment.

3. Before commencing an adult high school program, a school district must apply to the Department for permission to conduct the program. The application must be made on a form provided by the Department and include the:

- (a) Name of the course to be taught; ~~and~~
- (b) Proposed beginning and ending dates for each class ~~+~~; *and*

(c) Procedures to be used for the reporting of enrollment and attendance for pupils enrolled in the program.

4. The Superintendent of Public Instruction shall review each application to operate an adult high school program submitted to the Department and approve or deny the application. If the application is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the application for an adult high school program upon appeal.

5. An application that has been approved by the Superintendent of Public Instruction or the State Board of Education pursuant to subsection 4 remains in effect for ~~5~~ *the earlier of:*

(a) Five years after the date of approval ~~[-The board of trustees of a school district shall update its plan to operate an adult high school program at least once annually if a substantive change is made to the plan.] ; or~~

(b) The date upon which the school district revises the procedures or program.

6. A class that is part of an approved program may begin or end at any time during the school year.

7. A school district that offers an adult high school program shall offer a sufficient number of required and elective courses for a pupil enrolled in the program to obtain the credits necessary to receive an adult standard diploma. Such required and elective courses must include the content identified in the school district's approved curriculum.

Sec. 6. NAC 387.193 is hereby amended to read as follows:

387.193 1. A pupil who is enrolled in a program of distance education that has been approved pursuant to NAC 388.830 shall be deemed ~~an~~ enrolled ~~pupil~~ *full-time* if:

(a) The ~~{school district or charter school has evidence, as documented in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171, of:}~~ *pupil is enrolled in kindergarten or in any grade from grades 1 to 8, inclusive, and is enrolled in:*

(1) The ~~{progress of the pupil toward completing the number of courses required for full-time pupils specified in the written plan for enrollment for the pupil developed pursuant to paragraph (b) of subsection 6;~~

~~—(2) The enrollment of the pupil in the}~~ minimum daily period required pursuant to NAC 387.131; ~~{and~~

~~—(3) The enrollment in} or~~

(2) If an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131, a curriculum that is equivalent to the regular school curriculum; {and}

(b) *The pupil is enrolled in any grade from grades 9 to 12, inclusive, and:*

(1) Is enrolled in the number of courses required to be counted as a full-time pupil pursuant to subsection 3 of NAC 387.345; or

(2) Has a written plan for enrollment prepared that demonstrates that the pupil will complete the number of courses required to be counted as a full-time pupil pursuant to subsection 3 of NAC 387.345 during the school year;

(c) For each course of distance education in which the pupil is enrolled ~~†~~

~~—(1) The}~~, *the* course is included on the list of approved courses of distance education prepared and published by the Department pursuant to NRS 388.834; and

~~{(2)}~~ *(d)* The name of the pupil is included in the electronic learning management system ~~{or}~~ *and* the master register of enrollment and attendance required by NAC 387.171.

2. Each pupil enrolled in a course of distance education offered through a program of distance education ~~{must}~~ *may* be recorded in ~~{full}~~ attendance ~~{for each week that}~~ *if* the school district or charter school has evidence of the pupil's progression in each course as documented ~~{~~

~~—(a) In}~~ *in* the electronic learning management system ~~};~~

~~—(b) By}~~ *and* the ~~{pupil's participation}~~ *pupil:*

(a) Participates in a real-time class session for the course which is conducted by a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course; or

~~{(e) By the pupil meeting}~~

(b) Meets or otherwise ~~{communicating}~~ *communicates at least three times each week* with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course to discuss the pupil's progress.

↪ The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 and the master register of enrollment and attendance required by NAC 387.171 for that pupil. *The information required by this subsection must be available for the school district in which the school is located or the charter school to access in real time through the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.*

3. ~~{A pupil who is enrolled full time in a program of distance education provided by:~~

~~—(a) The board of trustees of a school district must be entered as an enrolled pupil in the master register of enrollment and attendance for the public school to which the pupil is declared affiliated by the board of trustees pursuant to NRS 388.862.~~

~~—(b) A charter school must be entered as an enrolled pupil in the master register of enrollment and attendance for the charter school.~~

~~—4.— A pupil shall be deemed enrolled full-time in a program of distance education if:~~

~~—(a) The program of distance education contains the number of school days in session required pursuant to NAC 387.120;~~

~~—(b) The time that the pupil spends in the program is recorded by the pupil, the parent or legal guardian of the pupil, or by a computerized program; and~~

~~—(c) The pupil satisfies the requirements of subsection 5 or 6, as applicable for his or her grade level.~~

~~—5.— For purposes of full-time enrollment in a program of distance education, a pupil in kindergarten or in any grade from grades 1 to 8, inclusive, must be enrolled in:~~

~~—(a) The minimum daily period required pursuant to NAC 387.131; or~~

~~—(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.~~

~~—6.— For purposes of full-time enrollment in a program of distance education, a pupil in any grade from grades 9 to 12, inclusive, must:~~

~~—(a) Be enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or~~

~~—(b) Have a written plan for enrollment prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.~~

~~—7.]~~ If a pupil is enrolled part time in a program of distance education, the record of the part-time attendance of the pupil must be maintained separately from the record of attendance maintained by the school in which the pupil is otherwise enrolled.

~~18.]~~ 4. As used in this section, “electronic learning management system” means an electronic system used by a school district or charter school to track the enrollment, attendance, progression and participation of a pupil enrolled in a course of distance education offered through a program of distance education provided by the school district or charter school.

Sec. 7. NAC 387.195 is hereby amended to read as follows:

387.195 1. Except as otherwise provided in subsection 2, any pupil who is placed for independent study by a school district pursuant to a plan approved in accordance with NAC 389.720 shall be deemed to be in full attendance for a day if the combined number of minutes during which the pupil is:

- (a) Attending school; and
- (b) Completing the hours specified in his or her contract for independent study,

↪ equals at least 50 percent of the number of minutes required for the daily session of his or her grade or category.

2. A pupil enrolled in independent study who is in kindergarten or in any grade from grades 1 to 8, inclusive, shall be deemed enrolled full-time if the pupil is enrolled in:

- (a) The minimum daily period required pursuant to NAC 387.131; or

(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

3. A pupil enrolled in independent study who is in any grade from grades 9 to 12, inclusive, shall be deemed enrolled full-time if:

(a) The pupil is enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or

(b) A written plan for enrollment has been prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.

4. A pupil who is enrolled in independent study shall maintain a study log, which may be used to verify the pupil's attendance.

5. A pupil placed for independent study must be reported as enrolled ~~on~~ *in* the ~~monthly reports~~ *report of the average daily enrollment of pupils* submitted *quarterly* to the Department ~~+~~ *pursuant to NRS 387.1223.*

Sec. 8. NAC 387.197 is hereby amended to read as follows:

387.197 1. A school district that provides instruction to children who are detained in detention ~~homes~~ *facilities* or alternative programs pursuant to NRS 388.550, 388.560 and 388.570 shall maintain, for the children who receive the instruction, a class record book in accordance with NAC 387.165 and *shall ensure such children are included in* the master register of enrollment and attendance required by NAC 387.171.

2. Except as otherwise provided in this subsection, if a child is detained in a detention ~~home~~ *facility* or alternative program, the school district of the child's residence shall be deemed the school district responsible for providing educational services to the child and is the

only school district that may include the child in the count of pupils for purposes of apportionment. A school district other than the district of the child's residence may include the child in the count of pupils for purposes of apportionment of that school district if the school district has:

(a) Entered into a written agreement with the school district of the child's residence to provide educational services to the child; or

(b) Obtained the written approval of the Superintendent of Public Instruction to provide educational services to the child.

3. A child who is detained in a detention facility or alternative program and receives instruction from a school district must be reported as enrolled in the report of the average daily enrollment of pupils submitted quarterly to the Department pursuant to NRS 387.1223 by the school district that includes the child in its count of pupils pursuant to subsection 2.

Sec. 9. NAC 387.200 is hereby amended to read as follows:

387.200 1. Except as otherwise provided in subsection ~~7~~ 3 of NAC 387.193, a pupil must not be entered as an enrolled pupil in the master register of enrollment and attendance of more than one public school on the same day.

2. A pupil remains enrolled in the public school until the pupil is transferred from the school or his or her name is withdrawn from its master register. A pupil is not withdrawn from school if he or she is:

(a) Truant from school and documentation of the truancy is maintained by the school district; or

(b) Absent from school for a period of less than 20 consecutive school days, with an expected date of return within 20 school days after the first day of the period in which the pupil is absent.

3. If a pupil:

(a) Enrolls in another school before the pupil has completed the school year, the effective date of withdrawal is the last day that the pupil attended class.

(b) Enrolls in another school after the pupil has completed the school year, the effective date of withdrawal is the last school day of the school calendar for the school year.

(c) Enrolls in another school in the same school district within 10 consecutive school days after a change of residence of the pupil, the effective date of withdrawal is the date immediately preceding the date on which the pupil enrolled in the other school.

(d) Does not enroll in another school and the parent or legal guardian of the pupil notified the school district of the withdrawal, the effective date of withdrawal is the last day that the pupil attended class.

(e) Is placed in a detention home or alternative program in another school district, the effective date of withdrawal is the last day that the pupil attended class or the day on which the pupil is placed in control of the personnel for the detention home or alternative program, including days for processing and proceedings for placement, whichever is earlier.

(f) Does not attend school for 10 consecutive school days and the whereabouts of the pupil are unknown, the effective date of withdrawal is the 10th consecutive school day that the pupil failed to attend school.

(g) Does not attend school for 20 consecutive school days and the whereabouts of the pupil are known, the effective date of withdrawal is the 20th consecutive school day that the pupil failed to attend school.

Sec. 10. NAC 387.283 is hereby amended to read as follows:

387.283 1. Each school district and charter school shall submit to the Superintendent of Public Instruction or his or her designee, in advance, ~~{a written proposal}~~ *an application for approval* of its procedures to be used for the reporting of enrollment and attendance with respect to a pupil placed in a detention ~~{home}~~ *facility* or alternative program in the district or charter school.

2. The *application must contain a written proposal of the* procedures ~~{must describe}~~ *that describes* in detail:

(a) The method by which the school district or charter school determines whether the pupil is reported as enrolled in and attending a regular school or a program of instruction in a detention ~~{home}~~ *facility* or alternative program;

(b) The means by which the district or charter school ensures that a pupil in a detention ~~{home}~~ *facility* or alternative program is not included in the count of enrollment and attendance of both a regular school and a program of instruction in a detention ~~{home}~~ *facility* or alternative program;

(c) How the school district or charter school will account for a pupil who is receiving instruction in a detention ~~{home}~~ *facility* or alternative program located within the district or in the charter school, but who is a resident of a school district in which the detention ~~{home}~~ *facility* or alternative program is not located; and

(d) How the school district or charter school will account for a pupil who is a resident of the school district in which the detention ~~home~~ *facility* or alternative program is located and for whom the school district or charter school is providing for the pupil to receive instruction in a detention ~~home~~ *facility* or alternative program located in another school district.

3. The Superintendent of Public Instruction or his or her designee may approve or reject the submitted ~~procedures~~ *application*. If the Superintendent or his or her designee rejects the ~~procedures~~ *application*, the Superintendent shall prescribe the method of reporting for that school district or charter school for that school year. The approval of the Superintendent of Public Instruction is effective *for 5 years or* until the school district or charter school revises the procedures ~~+~~ *, whichever is earlier*.

Sec. 11. NAC 387.286 is hereby amended to read as follows:

387.286 1. A pupil who has an illness or a disability which dictates that the requirement of compulsory attendance be fulfilled by individual instruction at home or in a medical facility under the supervision of a licensed teacher employed by the school district shall be deemed enrolled within that district if he or she is scheduled to receive at least 5 hours of instruction per week directly from the supervising teacher in the form of individual tutoring. The tutoring may be conducted by means of electronic telecommunication.

2. Each hour of teaching devoted to the individual instruction of the pupil is equivalent to a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 1 hour, but the number of days of attendance reported for the pupil for that school year may not exceed the minimum number of days of free school required by NRS 388.090.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individualized education program, and all reporting of enrollment and attendance must be based upon the requirements of that program.

4. The pupil may be reported ~~monthly~~ as enrolled and in attendance at the school he or she would normally attend ~~}; or a separate monthly report may be submitted, marked "Individual Tutoring at Home or in a Medical Facility."~~ *pursuant to the applicable guidelines issued by the Department.*

Sec. 12. NAC 387.291 is hereby amended to read as follows:

387.291 1. A pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher employed by the school district shall be deemed enrolled within that district if he or she is scheduled to receive at least 15 hours of instruction per week directly from the supervising teacher. If a pupil does not attend or participate in the instruction for more than 10 consecutive school days, the school district shall report the pupil as a withdrawal pursuant to NAC 387.215. The pupil may reenroll after such a withdrawal if he or she is able and willing to participate in the instruction.

2. Each 3 hours of teaching devoted to instruction of pupils under this program is the equivalent of a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 3 hours, but the number of days of attendance reported for the pupil for that school year may not exceed the minimum number of days of free school required by NRS 388.090.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individualized education program, and all reporting of enrollment and attendance must be based upon the requirement of that program.

4. The pupil may be reported ~~monthly~~ as enrolled and in attendance at the school he or she would normally attend ~~;~~ ~~or a separate monthly report may be submitted, marked "Instruction of Groups in a Medical Facility."~~ *pursuant to the applicable guidelines issued by the Department.*

Sec. 13. NAC 387.330 is hereby amended to read as follows:

387.330 1. An adult high school program must be operated in accordance with the standards prescribed in NAC 387.190 and any additional standards prescribed by the Department. A school district that offers a program for pupils to obtain an adult standard diploma shall *ensure that pupils enrolled in the program are included in the master register of enrollment and attendance required by NAC 387.171 and* maintain ~~a register of enrolled pupils and~~ a list of classes that are offered.

2. Enrollment and attendance for each class must be recorded in the class record book in the manner prescribed in NAC 387.165.

3. Reports of enrollment and attendance must be submitted to the Department:

(a) On a form prescribed by the Department for that purpose; and

(b) Annually on the date prescribed by the Department.

4. The Department shall determine the amount of money allocated to a school district that operates a program for pupils to obtain an adult standard diploma based upon a plan or formula developed by the Department to ensure that money is distributed equitably and in a manner that allows accounting for the expenditures of school districts.

Sec. 14. NAC 387.345 is hereby amended to read as follows:

387.345 1. Except as otherwise provided in subsections 3 and 4, for calculating the yearly apportionment for each school district, the count of pupils used to determine the average daily enrollment of pupils in a school district for any quarter during a school year, reported to the Department pursuant to subsection 1 of NRS 387.1223, must be based on the weighted count of enrollment of pupils in the school district for that quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school or university school for profoundly gifted pupils.

2. On a form prescribed by the Superintendent of Public Instruction, the superintendent of schools of each school district shall certify to the Department on or before October 1, January 1, April 1 and July 1 of each school year the weighted count of enrollment for the immediately preceding quarter of the school year. If a charter school or a university school for profoundly gifted pupils submits a form pursuant to this subsection, the charter school or university school for profoundly gifted pupils shall, upon the request of the sponsor of the charter school, the governing body of the university school for profoundly gifted pupils or a school district in which a pupil enrolled in the charter school or university school for profoundly gifted pupils resides, provide a copy of the form to the requester.

3. A school district shall not count a pupil who enrolls in grade 9, 10, 11 or 12 as a full-time pupil for the purpose of calculating the yearly apportionment for the school district for a school year unless the pupil is *enrolled* in a minimum of:

(a) Six courses ~~for the equivalent of six periods per day~~ *making up the minimum daily period set forth in NAC 387.131* if he or she is in grade 9, 10 or 11; or

(b) Four courses ~~for the equivalent of four periods per day~~ *making up at least 50 percent of the minimum daily period set forth in NAC 387.131* if he or she is in grade 12 ~~+~~ *and the school in which the pupil is enrolled validates that the pupil is on track to graduate.*

4. A school district shall not count a pupil who is 21 years of age or older on or before September 30 of a school year for the purpose of calculating the yearly apportionment for the school district for that school year unless:

(a) The pupil is a pupil with a disability who is eligible to receive the benefits provided by NRS 388.5223 to 388.5243, inclusive, pursuant to NRS 388.5223; or

(b) The Superintendent of Public Instruction has given express permission for the pupil to be counted.

↪ The grade level of a pupil is determined by the number of credits held by the pupil.

5. For the purposes of subsections 2 and 3 of NRS 387.1223, the enrollment of pupils in a charter school or in a university school for profoundly gifted pupils includes the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside in the school district in which the charter school or university school for profoundly gifted pupils is located and the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside outside that school district.

Sec. 15. NAC 387.501 is hereby amended to read as follows:

387.501 On or before August 1 of each *odd-numbered* year, each school district shall:

1. Review the physical condition of each school within the school district; and

2. Submit the information relating to the physical condition of each school to the State Board of Education in the form and manner prescribed by the Superintendent of Public Instruction.

Sec. 16. NAC 388.180 is hereby amended to read as follows:

388.180 Except as otherwise provided by NAC 387.125, ~~subsection 2 of NAC~~ 387.131 , ~~and NAC~~ 387.286 ~~;~~ **and 387.291**, a school day in session for a unit must consist of the minimum daily periods established for the grade by subsection 1 of NAC 387.131.

Sec. 17. NAC 388.510 is hereby amended to read as follows:

388.510 1. A plan for an alternative program submitted for approval pursuant to NRS 388.537 must be on a form approved by the Department of Education and must address the considerations set forth in NRS 388.537.

2. A plan for an alternative program that is approved pursuant to NRS 388.537 remains in effect for 5 years after the date of approval ~~[-The board of trustees of a]~~ **or until the** school district ~~[shall update]~~ **revises** its plan for an alternative program ~~[at least once annually if a substantive change is made to the plan.]~~ , **whichever is earlier.**

Sec. 18. NAC 388.520 is hereby amended to read as follows:

388.520 1. An alternative program may include a plan to provide for independent study pursuant to NAC 389.710 to 389.750, inclusive.

2. A plan to provide for independent study must include:

(a) A description of the pupils targeted for enrollment in courses of independent study.

(b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.

- (c) The names of the courses of independent study to be taught.
- (d) A plan for maintaining the records of each pupil placed for independent study in accordance with the requirements set forth in NAC *387.195 and* 389.720.
- (e) A statement of the maximum period allowed to complete the courses of independent study.
- (f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.

Sec. 19. NAC 388.825 is hereby amended to read as follows:

388.825 1. The Department shall prescribe the form for an application for inclusion of a course of distance education on the list of approved distance education courses prepared and published by the Department. The Department shall not accept or review an application for a course that contains a commercial advertisement. Each application must include:

- (a) The name of the person or entity that is the provider of the course of distance education;
- (b) The original signature of the person or authorized representative of the entity submitting the application;
- (c) If applicable, the date on which the application was approved by the board of directors, board of regents, board of trustees or other governing body of the entity that submitted the application;
- (d) If applicable, a description of the regional or national accreditation status attained by the entity that submitted the application and the date on which such accreditation was granted; and
- (e) For each course identified in the application:
 - (1) The specific title of the course;

- (2) The amount of credit to be awarded for successful completion of the course;
- (3) The number of instructional hours provided as part of the course;
- (4) A description of the course, including, without limitation, the syllabus for the course, a list of each textbook that will be used for the course and any supplemental materials that will be used for the course;
- (5) A description of the method used for delivery of instruction, including, without limitation, the method by which a teacher will meet or otherwise communicate with each pupil enrolled in the course at least once each week to discuss the pupil's progress;
- (6) A description of the manner by which the academic achievement of pupils enrolled in the course will be assessed and the criteria that will be used to determine the grades assigned to pupils who complete the course;
- (7) If the subject area offered by the course is a subject area for which the State Board of Education has:
 - (I) Adopted standards of content and performance , ~~pursuant to NRS 389.520,~~ documentation which demonstrates that the course is aligned with those standards; or
 - (II) Otherwise adopted regulations setting forth the requirements for the subject area offered by the course, documentation which demonstrates that the course is aligned with those requirements;
- (8) If available at the time the application is submitted, the name of the teacher who will provide instruction for the course and, if the course is a core academic subject, as defined in NRS 389.018, a copy of the license of the teacher;

(9) If a teacher has not been identified at the time the application is submitted, a description of the qualifications that will be used to employ a teacher for the course; and

(10) The name, address and telephone number of the person who will administer the course.

2. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice of its approval or denial of the application to the applicant. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department.

3. Except as otherwise provided in NAC 388.860, if a course is approved pursuant to this section, the approval is valid for 3 years, commencing with the date on which the course is first included on the list of approved distance education courses published by the Department. The Department shall prescribe forms for the renewal of an application. A provider of a course of distance education must submit an application for renewal to the Department at least 60 days before the expiration of the approval to maintain the course on the list of approved distance education courses.

4. If a provider of a course of distance education intends to change or modify the course with regard to the items set forth in subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the course without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the course.

Sec. 20. NAC 388.830 is hereby amended to read as follows:

388.830 1. The Department shall engage in the process of reviewing applications for programs of distance education not less than once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year. An application must be received by the Department from a committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

(a) The name of the school district or charter school submitting the application;

(b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;

(c) The original signature of the president of the board of trustees, or his or her designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;

(d) The name, address and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of

each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

(h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of NAC 387.193 and 387.294;

(i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with NRS 388.850;

(j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the examinations required by NRS 390.105 ; ~~and 390.700;~~

(k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and

(l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or charter school is not required to submit a separate application pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. If the application is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.

5. Except as otherwise provided in ~~this~~ subsection 6 and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for ~~3~~ 5 years after the date of approval ~~or~~ *or until the school district revises the procedures or program, whichever is earlier.*

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a

new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Public Charter School Authority, as applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in NAC 388.860 does not apply.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Sec. 21. NAC 389.034 is hereby amended to read as follows:

389.034 "Semester" means one of ~~the~~ two ~~academic terms~~ *instructional periods* that make up the school year at a school ~~that offers a traditional 9-month school schedule.~~, *as described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.*

Sec. 22. NAC 389.036 is hereby amended to read as follows:

389.036 "Trimester" means one of ~~the~~ three ~~academic terms~~ *instructional periods* that make up the school year at a school ~~that offers a 12-month school program or a school program involving alternative scheduling whose regular academic year consists of three terms.~~, *as*

described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.

Sec. 23. NAC 389.040 is hereby amended to read as follows:

389.040 “Unit of credit” means an amount of credit which is awarded to a pupil for successful completion of a course containing ~~fat~~ :

- 1. At least 120 hours of instruction ~~for the~~ ;*
- 2. The equivalent ~~ft~~ amount of instruction in a course provided through a program of special education for which an exception to the minimum daily period required by subsection 1 of NAC 387.131 is permitted by the pupil’s individualized education program; or*
- 3. The equivalent amount of instruction in a course provided through a program for which the Superintendent of Public Instruction has approved an exception to the minimum daily period pursuant to subsection 3 of NAC 387.131.*

Sec. 24. NAC 389.659 is hereby amended to read as follows:

389.659 1. If a pupil enrolls in the 9th grade:

- (a) Except as otherwise provided in subsection ~~2,~~ 3, the pupil must:
 - (1) Earn a minimum of 5 units of credit or complete 2 semesters of high school to be promoted to the 10th grade.
 - (2) Earn a minimum of 11 units of credit or complete 4 semesters of high school to be promoted to the 11th grade.
 - (3) Earn a minimum of 17 units of credit or complete 6 semesters of high school to be promoted to the 12th grade.

(b) A school district shall evaluate the transcripts of the pupil if the pupil transferred to a high school within the school district from another high school located outside the school district, whether located inside or outside this State, to determine the grade level for which the pupil qualifies pursuant to paragraph (a).

2. The requirements set forth in paragraph (a) of subsection 1 apply to all pupils, including, without limitation, those enrolled in approved programs of competency-based education or distance education or in an innovation school.

3. The superintendent of a local school district may waive the requirement set forth in:

(a) Subparagraph (1) of paragraph (a) of subsection 1 if:

(1) The local school district is a school district in which the 9th grade is taught in a junior high or middle school; and

(2) The superintendent determines that extenuating circumstances exist; and

(b) Subparagraph (3) of paragraph (a) of subsection 1 if the superintendent determines that extenuating circumstances exist.

Sec. 25. NAC 389.668 is hereby amended to read as follows:

389.668 **1.** A high school which provides instruction in fractional time units may grant credit proportionately to the requirements for basic units of credits, but the school may not record less than one-fourth of a unit.

2. An innovation school or a school providing a program of competency-based education may use fractional time units to grant credit based on the demonstrated proficiency of the pupil in a course of study. Such a school may not use a fractional time unit that measures less than one-fourth of a unit.

Sec. 26. NAC 389.840 is hereby amended to read as follows:

389.840 The successful completion by a pupil of the standards for college readiness set forth in NAC 389.835 is a strong indication:

1. That the pupil is ready to participate successfully as a freshman who is enrolled in a postsecondary educational institution as a full-time student.
2. That the pupil has:
 - (a) Attained high academic achievement in the subject areas required for an advanced diploma pursuant to NAC 390.430;
 - (b) Cognitive skills, including, without limitation, logical reasoning skills and linguistic expression skills, that are developed through achievement in the subject areas required for an advanced diploma pursuant to NAC 390.430;
 - (c) Ancillary academic skills relating to study habits and self-direction;
 - (d) An awareness of the expectations for behavior in an academic environment; ~~and~~
 - (e) Adequate test scores based upon the benchmark test scores established by the Board of Regents of the University of Nevada that should enable a pupil to avoid being placed in remedial classes as a postsecondary student ~~and~~; *and*
 - (f) *Demonstrated competencies which align with the Nevada Portrait of a Learner.*

3. *As used in this section, “Nevada Portrait of a Learner” means the framework published by the Department on its Internet website at the address <https://doe.nv.gov/offices/office-of-teaching-and-learning/future-of-learning-network>.*

Sec. 27. NAC 390.051 is hereby amended to read as follows:

390.051 “Semester” means one of ~~the~~ two ~~academic terms~~ *instructional periods* that make up the school year at a school ~~that offers a traditional 9-month school schedule.~~, *as described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.*

Sec. 28. NAC 387.015 and 387.293 are hereby repealed.

TEXT OF REPEALED SECTIONS

387.015 “Average daily attendance” defined. (NRS 385.080) “Average daily attendance” means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

387.293 Pupil instructed through correspondence by licensed teacher. (NRS 385.080, 387.123)

1. A pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher employed by the school district and who does not attend classes on a regular basis at a school because of extreme distance from the school shall be deemed to be enrolled if arrangements are made for the teacher to communicate directly with the pupil, including, without limitation, by electronic means, at least once each week for instructional purposes.

2. For reporting attendance, the school district may consider the pupil to be in full attendance if the teacher and the pupil meet or otherwise communicate with each other at least once each week for instructional purposes.